



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 6, 1993

Mr. Jeff Hankins
Legal Assistant
Regulated Lines Section
Legal Services, 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR93-504

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 21098.

The Texas Department of Insurance (the "department") has received a request for information relating to the department's supervision of Eagle Insurance Company. Specifically, the requestor seeks "any reinsurance agreements that may be on file with the State Board of Insurance between Eagle Insurance Company and its named reinsurers" and "the names of the reinsurers of Eagle Insurance as indicated on the 1992 Annual Statement of Eagle Insurance Company and the most recent Quarterly Statement filed by Eagle Insurance Company with the State Board of Insurance, as well as copies of these statements." You advise us that some of the requested information will be made available to the requestor. You have submitted to us for review, however, the remaining information, which you claim is excepted from required public disclosure by section 3(a)(12) of the Open Records Act.

Section 3(a)(12) excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act. [Footnote deleted.]

Open Records Decision No. 158 (1977) at 5-6 held that insurance companies are included within the term "financial institutions" for purposes of section 3(a)(12).

You have submitted to us for review a document titled "Excess of Loss Reinsurance Agreement No. 000592 between Eagle Insurance Company . . . and Certain Reinsurers." Eagle submitted this agreement to the department as part of its rehabilitation plan. The agreement concerns the financial condition and projected operation of the company, and it was prepared for the use of the department in supervising the company. See Ins. Code art. 21.21-A, § 3. We conclude that the reinsurance agreement falls within the section 3(a)(12) exception and may be withheld in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ~~ruling~~ rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Susan Garrison
Assistant Attorney General
Open Government Section

SG/GCK/jmn

Ref.: ID# 21098

cc: Ms. Lee Ann B. Koehler
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